

United States District Court
Southern District of New York

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MARK NUNEZ, et al.,

Plaintiffs,

- against -

CITY OF NEW YORK, et al.,

Defendants.

NOTICE OF APPEAL

UNITED STATES OF AMERICA,

1:11-cv-05845

Plaintiff-Intervenor,

- against -

CITY OF NEW YORK, et al.,

Defendants.

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Notice is hereby given that defendants the City of New York and the New York City Department of Correction (together, the “City”) appeal to the United States Court of Appeals for the Second Circuit from the Opinion and Order Regarding Appointment of a Nunez Remediation Manager entered by the United States District Court for the Southern District of New York (Swain, J.) on May 13, 2025.

The City is noticing this appeal out of an abundance of caution, to preserve its appellate rights should the Court of Appeals conclude that the order constitutes a final decision, within the meaning of 28 U.S.C. § 1291, resolving the underlying contempt proceedings. The City intends to promptly move the Court of Appeals for a remand consistent with *United States v. Jacobson*, 15 F.3d 19 (2d Cir. 1994), or

for such other relief as may proper, making clear that jurisdiction will continue to reside with the district court.

Dated: New York, New York
July 11, 2025

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By:



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